

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ELAINE KERN,

Plaintiff,

v.

DZAVAD KRSO and
BLUESTAR SERVICES LLC,

Defendants.

No.

DEFENDANTS' NOTICE FOR REMOVAL

Defendants, DZAVAD KRSO and BLUESTAR SERVICES, LLC submit this Notice of Removal pursuant to the provisions of 28 U.S.C. §§ 1332, 1441, and 1446. In support of their Notice for Removal, Defendants state as follows:

1. Plaintiff Elaine Kern filed a Complaint ("Complaint"), Case No. 2020 L 002129, on February 20, 2020 in the Circuit Court of Cook County, Illinois, County Department, Law Division, which is within the Northern District of Illinois, Eastern Division. (A true and correct copy of the Summons and Complaint is attached as Ex. 1).

2. Upon information and belief, the complaint has not been served on the defendants.

3. This action arises out of a motor vehicle accident and involves alleged personal injuries against the defendants arising out of the subject accident.

4. Upon information and belief, plaintiff, Elaine Kern, is a citizen of Pennsylvania with a residence in Doylestown, PA.

5. Bluestar Services, LLC is an Illinois corporation with its principal place of business in Illinois.

6. Upon information and belief, defendant Dzavad Krso is a citizen of Florida.

7. In the Complaint, Plaintiff alleges that she has been injured and suffered damages of personal and pecuniary nature in an amount exceeding \$50,000. *See* Ex. 1, Complaint.

8. Upon information and belief, Plaintiff will seek damages in excess of \$75,000.

9. This Court has original jurisdiction under 28 U.S.C. § 1332(a)(1) because: (1) Plaintiff is a citizen of Pennsylvania and Defendants Bluestar Services and Dzevad Krso are citizens of a different state, Illinois and Florida; (2) upon information and belief, defendants have not been served, and therefore are not “parties in interest properly joined and served as defendants [as citizens of Illinois]” per 28 U.S.C. 1441(b)(2) and *Graff v. Leslie Hindman Auctioneers, Inc.*, 299 F.Supp.3d 928 (N.D.Ill. 2017); and (3) the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Therefore, removal of this action is proper pursuant to 28 U.S.C. § 1441(a).

10. Defendants have not been served, upon information and belief, so this Notice of Removal is filed with the Court on a timely basis under 28 U.S.C. § 1446(b).

11. Promptly after filing this Notice of Removal, defendants will give written notice to plaintiff and will file a copy of this Notice of Removal with the Circuit Court of Cook County, Illinois, County Department, Law Division.

WHEREFORE, Defendants, DZEVAD KRSO and BLUESTAR SERVICES, LLC, respectfully request the removal of this action, Case No. 2020 L 2129, from the Circuit Court of Cook County, Illinois, County Department, Law Division, to this Court, the United States District Court for the Northern District of Illinois, Eastern Division.

Dated: February 26, 2020

Respectfully submitted,

/s/Scott R. Shinkan
SCOTT SHINKAN
CLAUSEN MILLER P.C.

Scott R. Shinkan (ARDC#6290752)
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Attorney for Defendants, Dzavad Krso and Bluestar Services, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26th day of February, 2020, she electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using CM/ECF system which sent notification of such filing to the parties who are registered participants with the System.

/s/Nicole Andersen

12-Person Jury

Hearing Date: No hearing scheduled
 Courtroom Number: No hearing scheduled
 Location: No hearing scheduled

FILED
 2/20/2020 3:24 PM
 DOROTHY BROWN
 CIRCUIT CLERK
 COOK COUNTY, IL
 2020L002129

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

ELAINE KERN,

Plaintiff,

v.

DZAVAD KRSO and
 BLUESTAR SERVICES LLC,

Defendants.

No. 2020L002129

Plaintiff demands trial by jury

8560677

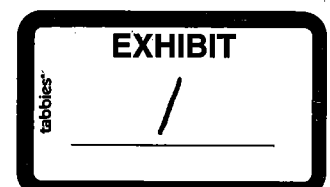
COMPLAINT AT LAW

COUNT I - NEGLIGENCE

DZAVAD KRSO and BLUE STAR SERVICES, LLC

Plaintiff, ELAINE KERN, through her attorneys, CAVANAGH LAW GROUP, complaining of Defendants, DZAVAD KRSO and BLUESTAR SERVICES LLC, alleges as follows:

1. On and before April 30, 2018, and at all times relevant hereto, Defendant, BLUESTAR SERVICES LLC, was an Illinois company licensed to do business in the State of Illinois.
2. On and before April 30, 2018, and at all times relevant hereto, Defendant, BLUESTAR SERVICES LLC, was an Illinois company with its principal place of business in the State of Illinois.
3. On and before April 30, 2018, and at all times relevant hereto, Defendant, BLUESTAR SERVICES LLC, conducted business in the County of Cook, State of Illinois and derived revenue from said Cook County, Illinois operations.



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4. On April 30, 2018, and at all times relevant hereto, Interstate 95, hereinafter "I-95", was a public roadway traveling in a generally north/south direction, in the City of Pooler, County of Chatham, State of Georgia.

5. On April 30, 2018, Plaintiff, ELAINE KERN, operated and controlled a motor vehicle in a northbound direction on I-95 approximately one (1) mile north of its intersection with Interstate 16, in the City of Pooler, County of Chatham, State of Georgia.

6. On April 30, 2018, Defendant, DZAVAD KRSO, operated a semi-tractor trailer in a northbound direction on I-95 approximately one (1) mile north of its intersection with Interstate 16, traveling behind Plaintiff, ELAINE KERN, in the City of Pooler, County of Chatham, State of Georgia.

7. On April 30, 2018, the semi-tractor trailer operated by Defendant, DZAVAD KRSO, came into contact with the vehicle operated by Plaintiff, ELAINE KERN.

8. On April 30, 2018, Defendant, DZAVAD KRSO, was a duly authorized agent and/or employee of Defendant, BLUESTAR SERVICES LLC, acting within the scope of his agency and/or employment.

9. On April 30, 2018, and at all times relevant hereto, Defendant, BLUESTAR SERVICES LLC, owned the vehicle that Defendant, DZAVAD KRSO, was operating at the time of the aforesaid collision.

10. On April 30, 2018, and at all times relevant hereto, Defendant, BLUESTAR SERVICES LLC, individually, and through its duly authorized agent and/or employee, Defendant, DZAVAD KRSO, owed a duty to exercise reasonable care in the operation of their motor vehicle to avoid placing others in danger and to avoid coming into contact with another vehicle on the roadway.

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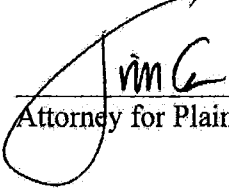
11. At the time and place aforesaid, Defendant, BLUESTAR SERVICES LLC, individually, and through its duly authorized agent and/or employee, Defendant, DZAVAD KRSO, was negligent in one or more of the following respects:

- a. Failed to maintain proper control over its vehicle to avoid colliding with another vehicle;
- b. Followed another vehicle more closely than was reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway in violation of O.C.G.A. 40-6-49;
- c. Failed to exercise due care in operating a motor vehicle on the highways of this state and shall not engage in any actions which shall distract such driver from the safe operation of such vehicle in violation of O.C.G.A. 40-6-241;
- d. Drove a vehicle at a speed greater than was reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing in violation of O.C.G.A. 40-6-180; and
- e. Failed to keep and maintain a proper lookout.

12. As a direct and proximate result of one or more of the aforesaid acts or omissions of Defendants, DZAVAD KRSO and BLUESTAR SERVICES LLC, Plaintiff, ELAINE KERN, sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, ELAINE KERN, prays that judgment be entered in her favor against Defendants, DZAVAD KRSO and BLUESTAR SERVICES LLC, and each of them, in an amount in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, Illinois, plus costs.

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Attorney for Plaintiff

FILED DATE: 2/20/2020 3:24 PM 2020L002129

Hearing Date: No hearing scheduled
Courtroom Number: No hearing scheduled
Location: No hearing scheduled

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

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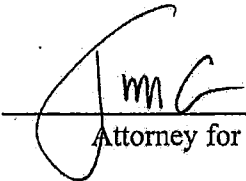
Plaintiff demands trial by jury

8560677

AFFIDAVIT

I, Timothy J. Cavanagh, attorney for Plaintiff, ELAINE KERN state under oath:

1. I am the attorney for the plaintiff in this matter.
2. The total money damages sought by us exceed \$50,000.00, exclusive of interests and costs.



Attorney for Plaintiff

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JURY DEMAND

The undersigned hereby demands a jury trial.



Attorney for Plaintiff

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